

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JEFFREY MENDICINO, et al. : CIVIL ACTION
:
v. :
:
:
LOTUS ORIENT CORP., et al. : NO. 10-1867

ORDER

AND NOW, this 19th day of October, 2010, upon consideration of the plaintiff's complaint (docket entry # 1), defendants' motion to dismiss pursuant (docket entry # 9), and plaintiff's response (docket entry # 11), it is hereby ORDERED that:

1. Defendants' motion to dismiss (docket entry # 9) is GRANTED IN PART and DENIED IN PART;

2. Defendants' motion to dismiss plaintiff Jeffrey Mendicino pursuant to Fed. R. Civ. P. 12(b)(1) is GRANTED and the Clerk shall DELETE him from the caption of this case;

3. Defendants' motion to dismiss defendant Jing Wu from this action pursuant to Fed. R. Civ. P. 12(b)(2) is GRANTED;

4. Defendants' motion to dismiss Count VI pursuant to Fed. R. Civ. P. 12(b)(6) is DENIED WITHOUT PREJUDICE;

5. In all other respects defendants' motion to dismiss is DENIED; and

6. Defendants shall RESPOND to plaintiff's complaint
by November 2, 2010.

BY THE COURT:

___\s\Stewart Dalzell